

November 14, 2007

Hon. P. Kevin Castel
United State District Judge
U.S. District Court
Southern District of New York
500 Pearl St.
New York N.Y. 10007

Re: Walter Lipscomb v. City of New York, et al.
07 Civ. 4603 (PKC)(FM)

Dear Judge Castel:

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I represent the plaintiff in this case and write to request an extension of the discovery deadline in this case due to the fact that depositions cannot be commenced until the NYPD produces the documents and interrogatory responses that have been requested.

The parties and Court held the initial pre-trial conference on September 7th, 2007. The deadlines for the initial discovery requests (September 29th) and depositions (November 30th) were set. Plaintiff served discovery requests on September 29th but I have been informed by defense counsel that said documents will not be produced for approximately 30 more days because the NYPD cannot produce them until then. For this reason, the depositions of the defendants, scheduled for 11/9, 16 and 20, will have to be rescheduled into December and possibly January. Plaintiff expects several other plaintiff depositions will also be necessary before discovery is closed.

Because December is not a full working month (for example, I'll be out of town myself from the 22nd through the 27th), I request that the deadline for depositions be extended to January 31st and that expert discovery be extended to February 22nd. I suspect that the Court will wish to reschedule the post-discovery conference currently scheduled for January 18th.

Thank you for your attention to this request.

Respectfully,

John Ware Upton

cc: Andrez Carberry, Assistant Corporation Counsel